

DOCKET FILE COPY ORIGINAL

CC: 02-8

Fax

To: Adrien Wright **From:** John Mathis

Fax: 202-418-7361 **Pages:** 78 including Cover Sheet

Phone: 202-418-0854 **Date:** September 4, 2007

Re: FCC Appeal **cc:**

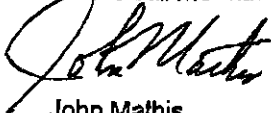
☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

• **Comments:**

Adrien,

This is a copy of the material originally sent via Federal Express to the FCC on June 25, 2007, which was received at the FCC on June 27, 2007 signed for by D. Berger. Copies of the FedEx shipping label and receipt confirmation were faxed to you on August 28, 2007.

Please call me with any questions. Thank you for your help.



John Mathis

MIS Director

Galveston Independent School District

3904 Avenue T

Galveston, Texas 77550

409-766-5174

Fax: 409-762-8147



OFFICE OF LYNNE CLEVELAND

All children can and will learn.

FILED/ACCEPTED

JUN 27 2007

Federal Communications Commission
Office of the Secretary

June 25, 2007

Request for Appeal/Waiver
Marilyn Dortch
Federal Communications Commission
Office of the Secretary
445-12th Street, SW
Washington, DC 20554

As pertains to

Applicant: Galveston Independent School District**BEN:** 141339**Funding Year:** 2006**Form 471 Application Number:** 495787**Funding Request Numbers:** 1394796, 1394809, 1394818, 1394857, 1394894, 1394909, 1394918, 1452998**CC Docket No. 2-06 and CC Docket No. 96-45**

Dear Ms. Dortch,

Galveston Independent School District (here after called GISD) respectfully requests an appeal/waiver to certain FCC Rules requiring a signed agreement or Letter of Agency (LOA) for consultants utilized by an eligible entity, as determined by the USAC.

GISD received a letter from USAC dated April 26, 2007, denying GISD's appeal of USAC's funding commitment decision letter dated August 15, 2006. In this letter, USAC denied GISD's request for E-Rate funding of \$417,281.47 for the year 2006 based upon the determination that GISD violated competitive bidding requirements of the FCC. USAC perceived there to be a failure on the part of GISD to have a signed consulting agreement in place for the 2006 E-Rate year. (See Exhibit "A" attached) The USAC states in its denial letter that "The Origin Group" acted as a consultant without signing an agreement. Its decision further indicates that "FCC Rules require that FCC Forms 470 and 471 be signed by a person authorized to order telecommunications and other supported services for eligible entities and to certify under oath to all the required certifications." Consequently, the funding requests were denied for violation of the competitive bidding requirements."

GISD believes that USAC has misinterpreted FCC Rules by requiring that any consultant that provides "advice" to an eligible entity is required to have a signed LOA, when that consultant does not sign, authorize, or certify FCC Forms 470 and 471 and does not assist the applicant in any manner with the competitive bidding requirement process.

Lynne Cleveland, Superintendent

FCC rules regarding "Consultant Letter of Agency" as documented on the USAC web site are as follows:

"A consultant or anyone signing as the authorized person who is not a school or library employee should also have an LOA from the applicant expressly authorizing the consultant to represent the applicant." (See Exhibit B-1 attached hereto)

Furthermore, the "Sample Letter of Agency (LOA)" news release provided to applicants by the USAC on 2/1/05 (See Exhibit B-2 attached hereto) states:

"A Letter of Agency demonstrates the authorization of the person (on FCC forms, the "Authorized Person") to sign an FCC form on behalf of one or more eligible schools and/or libraries. Generally, two situations require an LOA or similar authorizing document:

.... (2) A consultant -- or anyone signing as the authorized person who is not a school or library employee-- should have an LOA from the applicant expressly authorizing the consultant to represent the applicant."

GISD did not agree that a consultant agreement or LOA is required when the consultant is not the authorized person to order telecommunications and other supported services for the eligible entity and to certify under oath to all the required certifications. Additionally, the consultant utilized in an advisory capacity by GISD (The Origin Group) was not authorized to sign, authorize, or certify FCC forms 470 and 471 on behalf of GISD and, in fact, did not sign, authorize, or certify FCC forms 470 and 471 on behalf of GISD during the E-Rate 2006 cycle.

1. GISD's application 470 number 19194000561722 and Form 471 application number 495787 for funding year 2006, was prepared, reviewed and signed by Nunzio Arcidiacono, a GISD employee, who served as Director of Purchasing for the District. (See Exhibit C attached hereto indicating Mr. Arcidiacono's employment status, Exhibit D attached hereto of the certification pages for Forms 470 and 471 for funding year 2006, signed and certified by Mr. Arcidiacono.)
2. Chris Webber, a GISD employee, who served as Director of MIS, was named as the contact person in the aforementioned 470 and 471. (See Exhibit "E" attached indicating Mr. Webber's employment status with GISD and attesting to the fact that Christopher C Webber, GISD's employee, is not Christopher R Webber, a consultant out of the state of Oklahoma).
3. Both Mr. Arcidiacono and Mr. Webber, as GISD employees, acting in their respective positions with the district, were authorized to order telecommunications and other supported services for GISD and were authorized to certify under oath to all the FCC required certifications.
4. In correspondence sent to USAC on 5/23, in response to USAC's question as followup to SR-2006-141339, regarding GISD's use of a consultant, (See Exhibit F hereto attached), GISD states that the Origin Group provided the following services for E-Rate funding year 2006:
 - a. provided recommendations to GISD for eligible services.
 - b. assisted GISD in preparing information necessary to complete Forms 470..
 - c. assisted GISD in preparing information and required documentation for completion Forms 471
5. The Origin group never took any official action related to E-Rate on behalf of GISD.

Furthermore, FCC rules, as detailed on the USAC website regarding the Competitive Bidding Process, state:

"The competitive bidding process must be fair and open. "Fair" means that all bidders are treated the same and that no bidder has advance knowledge of the project information. "Open" means there are no secrets in the process... The Form 470 should be clear about the products, services, and quantities the applicant is seeking. . .

The rule goes on to further say . . . a conflict of interest exists when the applicant's consultant is associated with a service provider that is selected and is involved in determining the services sought by the applicant and the selection of the applicant's service providers." (See Exhibit G attached hereto)

Thus, GISD asserts the following:

1. GISD followed all FCC and State competitive bidding requirements in the filing of its requests for E-rate services for 2006. At no time did the Origin Group assist GISD in the competitive bidding process (See Exhibit H, portion related to competitive bidding of SR-2006-141339, GISD response submitted May 19, 2006 attached hereto)
2. Origin Group was never authorized to represent GISD in any of the competitive bidding transactions or in any other matter relating to E-Rate applications.
3. Origin Group does not represent a service provider and is not a service provider and, therefore, does not create a conflict of interest in determining the services sought by the applicant and the selection of the applicant service providers. (See Exhibit I, letter from the Origin Group dated June 21, 2007, attached hereto)

SUMMARY: GISD'S REQUEST FOR APPEAL/WAIVER

(1) It is the position of GISD that FCC rules are ambiguous as to the requirement to have a Letter of Agency in an instance where the consultant plays only a ministerial role in the E-Rate application process.

(2) USAC's actions were confusing in not asking specific questions with respect to the exact role the Origin Group played in GISD's 2006 E-Rate application. During the SR-2006-141339 and followup phase, USAC did not ask if Origin Group was the signer of our application or was a service provider.

(3) GISD acknowledges that we did not have a signed agreement with the Origin Group for 2006 E-Rate year. GISD further asserts that a signed agreement is not necessary. GISD also asserts that the Origin Group only acted as an advisor and did not represent us in any official capacity.

(4) Additionally, the Origin Group is not a service provider and does not provide E-Rate eligible services. Thus, GISD asserts that competitive bidding requirements were not violated and there was no attempt to defraud the government.

(5) USAC's documentation never specifically refers to an LOA being required when a consultant simply serves in an advisory capacity to an applicant. GISD further points out that State E-Rate Coordinators function also in an advisory capacity to applicants.

In the event GISD has been mistaken in its interpretation of the requirement for an LOA in all instances, then GISD respectfully requests the FCC to waive this LOA requirement, as it pertains to GISD's application for 2006 E-Rate funding.

Contact Name: Arnold Proctor, Assistant Superintendent for Business and Operations
Address: P.O. Box 660, Galveston, Texas 77553
Telephone: 409-766-5127
Fax: 409-766-5106
Email: Arnold_Proctor@gisd.org

Sincerely,



Lynne Cleveland
Superintendent

Exhibit A

BEN: 141339
Form 471 Application Number: 495787

07-05-02A08:26 RC



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal – Funding Year 2006-2007

April 26, 2007

Chris Webber
Galveston Independent School District
3904 Avenue T
Galveston, TX 77550

Re: Applicant Name: GALVESTON INDEP SCHOOL DIST
Billed Entity Number: 141339
Form 471 Application Number: 495787
Funding Request Number(s): 1394796, 1394809, 1394818, 1394857, 1394894,
1394909, 1394918, 1452998
Your Correspondence Received: April 12, 2007

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 1394796, 1394809, 1394818, 1394857, 1394894,
1394909, 1394918, 1452998

Decision on Appeal: **Denied**

Explanation:

- After thorough review of the appeal and the relevant facts and documentation, it was determined that a consultant was used for the preparation of the Forms 470 and completion of the Forms 471, but Galveston Independent School District failed to provide a consultant agreement or Letter of Agency. On May 19, 2006, the District submitted documentation which stated the District did not have a signed consultant agreement or Letter of Agency. The Reviewer sent additional follow up questions on May 23, 2006, asking the District to submit a signed copy of the consulting agreement and list the services rendered by the consultant. In response to the request for further clarification, the District stated that the consultant assisted with the completion of the Forms 470 and Forms 471.

According to documentation submitted to USAC, The Origin Group acted as a consultant without signing an agreement with the District. Consequently, the funding requests were denied for violation of the competitive bidding requirements. On appeal you submitted a copy of a consulting agreement between Galveston School District and The Origin Group. Program rules do not permit USAC to accept new information on appeal except where an applicant was not given an opportunity to provide information during the initial review or an error was made by USAC. Therefore, the appeal is denied.

- FCC Rules require that FCC Forms 470 and 471 be signed by a person authorized to order telecommunications and other supported services for the eligible entities and certify under oath to all the required certifications. 47 C.F.R. secs. 54.504(b)(2), 54.504(c)(1). The authorized person certifies on the Form 470 and Form 471 that he or she is the person authorized to submit and certify to the accuracy of the applications. See Schools and Libraries Universal Service, Description of Services Requested and Certification Form 470, OMB 3060-0806, Block 5 and Schools and Libraries Universal Service, Services Ordered and Certification Form 471, OMB 3060-0806, Block 6. Consultants or other signers who are not employees of the Billed Entity must have a Letter of Agency from the applicant affirming that they are authorized to represent the applicant. See Instructions for Completing the Schools and Libraries Universal Service Services Ordered and Certification Form (FCC Form 471), OMB 3060-0806 and the Reference Area at our website, www.usac.org/sl. Additionally, the FCC has stated that, if consultants are involved, beneficiaries must retain signed copies of all written agreements with E-rate consultants. See Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Fifth Report and Order and Order, 19 FCC Rcd 15808, 15824-26, FCC 04-190 para. 48 (rel. Aug. 13, 2004).

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

07-05-02A08:26 RCVD

07-05-02A08:20 RCVD

Chris Webber
Galveston Independent School District
3904 Avenue T
Galveston, TX 77550

Billed Entity Number: 141339
Form 471 Application Number: 495787
Form 486 Application Number:

Exhibit B-1

BEN: 141339
Form 471 Application Number: 495787



Letter of Agency

The authorized person on the Form 471 - the person whose signature appears in the Form 471 Item 38 - certifies that he or she is the person authorized to submit and certify to the accuracy of the application. This person must be authorized to represent any and all of the entities for which discounts are sought in the funding requests featured on the application. During its review of the Form 471, USAC may require copies of the documentation that confirms this person's authorization to represent all of the entities featured on the Form 471.

The evidence that establishes this authorization - and therefore, that establishes the relationship between the authorized person and the entities featured on the form - is generally a Letter of Agency (LOA).

Consortium Letter of Agency

A Letter of Agency (LOA) is most commonly signed by consortium members and kept on file by their consortium leader to verify their knowledge of their membership and participation in the consortium. Other vehicles to establish this authorization could be a project agreement, a contract, a letter agreement, or other similar document. The consortium LOA must be signed and dated on or before the postmark date of the Form 471 certification or the date the form was certified online.

Consultant Letter of Agency

A consultant or anyone signing as the authorized person who is not a school or library employee should also have an LOA from the applicant expressly authorizing the consultant to represent the applicant. The consultant LOA must be signed and dated before the first action is taken by that Consultant on your behalf (such as filing the Form 470).

Whatever the form of the document establishing the above authorization, it must contain all of the following:

- The name of the person filing the application (the consortium leader or consultant)
- The name of the person authorizing the filing of the application (the entity who will receive discounted services, such as a consortium member)
- The specific timeframe the LOA or authorizing document covers (for example, the E-Rate Funding Year 2003)
- The signature, signature date, and title of an official who is an employee of the entity who is authorizing the filing of the application (the entity who will receive discounted services, such as a consortium member)
- The type of services covered by the LOA or authorizing document. The description of services can be as general as "all E-Rate eligible services" or it can be more restrictive (e.g., "basic telephone service only").

NOTE: The timeframes of these authorizations cannot be open-ended, such as "until terminated by either party."

In certain situations, other documentation may be accepted as proof of authorization. For example, for consortium applications, the consortium lead member must either collect LOAs from each consortium member or be able to provide some other proof that each consortium member knew it was represented on the application. Consortia which have a statutory or regulatory basis and for which participation by schools or libraries is mandatory must be able to provide documentation supporting this certification, including copies of the relevant state statute or regulation.

Note: If the LOA authorizes a *consortium leader* to apply for discounted services on your behalf, then it must be signed and dated on or before the postmark date of the Form 471 certification or the date the form was certified online. If the LOA authorizes a *consultant* to act on your behalf, then it must be signed and dated before the first action is taken by that consultant on your behalf (such as filing the Form 470).

Follow this link for a [sample Letter of Agency](#) (PDF, 37 KB) that can be used as a reference guide.

Last modified on 5/25/2007

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Exhibit B-2

BEN: 141339
Form 471 Application Number: 495787



Universal Service Administrative Company

Schools and Libraries

Home > Announcement Archives > February 2005 Announcements

About the Schools and Libraries Program

- Overview of the Program
- Overview of the Process
- Training Presentations
- Service Provider Conference Calls
- Eligible Services List
- Appeals
- Audits
- Suspensions and Debarments
- Update Contact Information
- Document Retention Requirements
- Site Visits
- Changes and Corrections
- Commitment Adjustment (COMAD)

February 2005 Announcements

Please click on the topic below to view the most recent announcements:

- Holiday Hours Announcement (February 21) (2/15/05)
- SLD Provides Clarification for Eligibility of Priority 1 Services (2/15/05)
- Invoice Improvement Update; Billing/Shipping Date Review (2/14/05)
- SPIN Support for Online Filers (2/14/05)
- SLD Posts Improved Online Form 474 (2/7/05)
- SLD Issues FY2005 Form 470 RNLs (2/1/05)
- * Sample Letter of Agency (LOA) Available (2/1/05)
- Miscellaneous Updates to Web Site (2/1/05)
- What's New Archives.

Schools and Libraries Tools

- Apply Online
- Calendar/Reminders
- Required Forms
- Reference Area
- Search Tools
- Program Compliance - Whistleblower Hotline

Holiday Hours Announcement (February 21) (2/15/05)

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The Schools and Libraries Client Service Bureau will be closed on Monday, February 21, 2005 in observance of Presidents' Day. The Client Service Bureau will resume normal operations on Tuesday, February 22, 2005 at 8:00 a.m. EST.

SLD Provides Clarification for Eligibility of Priority 1 Services (2/15/05)

Top of Page

The SLD has recently seen marketing efforts regarding video and other services in the Telecommunications and Internet Access categories that misconstrue FCC eligibility requirements.

In the Telecommunications category of service, the FCC's Eligible Services List indicates, in the listing for "Distance Learning Circuits," that "[t]ransmission services that provide [video or other] distance learning are eligible for discount." Some may have mistakenly concluded that this statement indicates that any Distance Learning service is eligible, when in fact the statement is limited to eligibility for the transmission services that enable distance learning.

Since a full distance learning system may include components beyond the FCC's definition of a telecommunications service, applicants must use care that the costs of ineligible features have been removed when submitting funding requests.

In the Internet Access category of service, the FCC's Eligible Services List indicates that the Internet Access category of service is "limited to the provision of 'basic conduit access' to the Internet." Some may have mistakenly concluded that Internet Access can include functions that go beyond "basic conduit access" to the Internet, such as a direct exchange of data or video between applicant sites. Such conclusions are incorrect. In the Internet Access category of service, the SLD will only fund services that are within FCC requirements for "basic conduit access" to the Internet. Funding in this category will not be provided for transport of point-to-point connectivity of data, video, or voice applications that are to be provided only by eligible telecommunications carriers.

Applicants are cautioned that funding requests for products and services that are ineligible should not be submitted. Any funding requests that include a combination of eligible and

ineligible components must be cost-allocated to remove ineligible features.

Invoice Improvement Update: Billing/Shipping Date Review (2/14/05)

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SLD has initiated an evaluation of the invoice review process. The goal of this evaluation is to speed up the processing of invoices without compromising program integrity. As SLD implements improvements to the invoice review process, notice will be posted to this web site with "Invoice Improvement Update" in the title. This is the first of these postings.

In the past, if the date for customer billing or shipping reported on a line in Column 11 or Column 12 on an FCC Form 474 (SPI Form) was

- before the start of the funding year,
- before the service start date reported on the Form 486, or
- after the close of the funding year and the last allowable date to invoice,

the invoice reviewer was required to contact the service provider, work through the discrepancy, and then verify receipt of the necessary documentation that supported compliance with program rules.

Under a recently-enacted change to the review process, if the billing or shipping date in a line item on a SPI Form does not comply with program rules, that line item will be denied.

A line item denied for this reason will be featured on a remittance statement with the appropriate invoice error code. This line item may be submitted on a new SPI Form with the correct date.

If you have any questions, please contact the Client Service Bureau.

SPIN Support for Online Filers (2/14/05)

Top of Page

If you are still filing your Form 471, and are filing online, you must have a Service Provider Identification Number (SPIN) for each Funding Request in order to progress through Block 5 of the online form. Filers who do not have a SPIN will receive a message as they attempt to complete the form directing them to call the Client Service Bureau (CSB) for assistance.

Please note that SPIN assistance is available for those online filers who have completed the competitive bidding process and selected their service providers, but whose service providers' SPIN assignment has not yet been completed. (Manual filers are able to provide either the service provider name or the SPIN in order to meeting Minimum Processing Standards.) The Item 21 attachment should clearly indicate the name of the service provider. Call the CSB toll-free at 1-888-203-8100, and representatives will provide you this assistance. Remember that the CSB hours of service are 8:00 a.m. to 8:00 p.m. EST.

SLD Posts Improved Online Form 474 (2/7/05)

Top of Page

SLD has posted an improved online Form 474. The information required on the form is the same as the previous version; however, the look and feel is somewhat different. The improved form has more functionality and is easier to use. Following is a summary of the changes:

Block 1, Item 7 – The total invoice amount is now an automatic calculation. This item will be automatically updated each time you complete a new line in Block 2.

Save and Exit – You may now save your work and exit the system without submitting the Form 474. You may then return at a later time to complete and submit the form. To access an incomplete form, you will need the invoice number and security code that was supplied to you after you first completed Block 1. Once you have submitted a Form 474, you may not make any changes to that form. However, you may still view your Form 474 at any time using the invoice number and security code.

using the invoice number and security code.

Question/Problem - Click this button to submit a problem or comment about the Form 474 to the Client Service Bureau.

Print Preview - When you click the Submit button, the Print Preview function will display a copy of your Form 474. You may print your form at any time using the Print Preview function.

Unlimited number of line items - You may now submit an unlimited number of line items.

Block 2 Line Item Summary - As you add each line item, the Block 2 total will be updated.

If you have any questions please call the Client Service Bureau.

SLD Issues FY2005 Form 470 RNLs (2/1/05)

Top of Page

The SLD has begun to issue Receipt Notification Letters for Funding Year 2005 Forms 470. These letters will be mailed in daily batches of about 5,000 per day, from January 31 through February 8, 2005.

You may view a Sample Form 470 Receipt Notification Letter [PDF] in the Reference Area of this web site.

Sample Letter of Agency (LOA) Available (2/1/05)

Top of Page

The SLD has posted a sample Letter of Agency (LOA) in the Reference Area of this web site.

A Letter of Agency demonstrates the authorization of the person (on FCC forms, the "Authorized Person") to sign an FCC form on behalf of one or more eligible schools and/or libraries. Generally, two situations require an LOA or similar authorizing document:

1. Consortium members file a LOA with their consortium leader verifying their knowledge of their membership and participation in the consortium. The consortium leader must keep these letters on file.
2. A consultant — or anyone signing as the authorized person who is not a school or library employee — should have an LOA from the applicant expressly authorizing the consultant to represent the applicant.

You can view the Sample Letter of Agency through the document Letters of Agency posted to the Reference Area of this web site.

Miscellaneous Updates to Web Site (2/1/05)

Top of Page

Following is a list of the documents or pages that have changed on this web site since the last posting on updates:

A new link — Site Visits — has been created in the right-hand column of the SLD web pages. This link will take users to a new external web site that acts as a guide to the site visit process, with a description of the process, documentation needed, and contact information

The document Item 21 Attachments for Form 471 has been updated to include optional information that applicants can include in their Item 21 attachments to reduce the likelihood that Program Integrity Assurance will ask for that information during the application review process.

The document Cost Allocation Guidelines for Products and Services that Contain Eligible and Ineligible Components has been updated to feature the correct telephone number for questions about cost allocation from service providers and manufacturers.

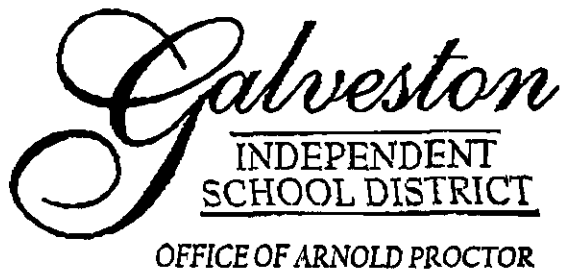
Content Last Modified: February 15, 2005

Need help? You can contact us toll free at 1-888-203-8100.
Our hours of operation are 8AM to 8PM, Eastern Time, Monday through Friday.
Aware of fraud, waste, and abuse, report it to our Whistleblower Hotline!

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Exhibit C

BEN: 141339
Form 471 Application Number: 495787



All children can and will learn.

June 25, 2007

To Whom It May Concern:

Nunzio Arcidiacono was employed by Galveston Independent School (GISD) from April 17, 2001 through December 15, 2006. During this time, he served as Director of Purchasing. He was authorized by GISD to conduct all competitive bidding actions and to sign and certify for GISD the 2006 E-Rate applications.

Sincerely,

A handwritten signature in black ink, appearing to read "Arnold Proctor".

Arnold Proctor

Assistant Superintendent for Business and Operations

Arnold Proctor, Assistant Superintendent for Business & Operations

P. O. Box 660 • Galveston, Texas 77553 • (409) 766-5107 (Office) • 409-766-5106 (Fax)

Exhibit D

BEN: 141339
Form 471 Application Number: 495787

Cyber

HOME CANCEL HELP

FCC Form 470

Universal Service Program Description of Services Requested and Certification Form

**Entity Number: 141339****Applicant's Form Identifier: 2006-FCC470-1****Contact Person: Christopher Webber****Phone Number: 409-766-5175**

FCC Form

Approval by OMB
3060-0606**470****Schools and Libraries Universal Service
Program Description of Services Requested
and Certification Form**

Do not write in this area.

Form 470 Application Number: 191840000561722**19. ☒ I certify that the applicant includes: (Check one or both.)**

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7081(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to elementary and secondary schools, colleges, and universities).

20. ☒ I certify that all of the individual schools, libraries, and library consortia receiving services under this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, an SLD-certified technology plan approver, prior to the commencement of service. The plans were written at the following level(s):

- a. ☒ individual technology plans for using the services requested in the application; and/or
- b. ☒ higher-level technology plans for using the services requested in the application; or
- c. ☐ no technology plan needed; application requests basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.

21. ☒ I certify that I will post my Form 470 and (if applicable) make my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted will be carefully considered and the bid selected will be for the most cost-effective service or equipment offering, with price being the primary factor, and will be the most cost-effective means of meeting educational needs and technology plan goals. I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the status and Commission rules regarding the application for, receipt of,

and delivery of services receiving schools and libraries discounts. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the entity or entities listed on this application have not received anything of value or a promise of anything of value, other than the services and equipment sought by means of this form, from the service provider, or any representative or agent thereof or any consultant in connection with this request for services.

23. ☒ I acknowledge that support under this support mechanism is conditional upon the school(s) and/or library(ies) I represent securing access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support.

24. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies). I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. ☒ I certify that I have reviewed all applicable state and local procurement/competitive bidding requirements and that I have complied with them. I acknowledge that persons willfully making false statements on this form can be punished by fine or forfeiture, under the Commissions Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. Sec. 1001.

26. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program.

| | |
|--|---------------------------|
| 27. Signature of authorized person | 28. Date 1/5/06 |
| 29. Printed name of authorized person Nunzio Arcidiacono | <i>Nunzio Arcidiacono</i> |
| 30. Title or position of authorized person Director of Purchasing | |
| 31a. Street Address of authorized person 3904 Avenue T Galveston, TX 77550 | |
| 31b. Telephone Number of authorized person (409) 766-5132 | |
| 31c. Fax Number of authorized person (409) 766-5106 | |
| 31d. E-mail address of authorized person Nunzio_Arcidiacono@gisd.org | |
| 31e. Name of authorized person's employer Galveston School District | |

Form 470 Application Number: 191840000561722
 GALVESTON INDEP SCHOOL DIST
 3904 AVENUE T
 GALVESTON, TX 77550-

Service provider involvement with preparation or certification of a Form 470 can taint the competitive bidding process and result in the denial of funding requests. For more information, refer to the SLD web site at www.sl.universalservice.org or call the SLD client Service Bureau at 1-888-203-8100.

NOTICE: Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Description of Services Requested and Certification Form (FCC Form 470) with the Universal Service Administrator, 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended, 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government, is a party of a proceeding before the body or has an interest in the proceeding. In addition, information provided in or submitted with this form or in response to subsequent inquiries may also be subject to disclosure consistent with the Communications Act of 1934, FCC regulations, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law.

If you owe a past due debt to the federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide this information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1985, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, D.C. 20554.

Please submit this form to:

**SLD - Form 470
P.O. Box 7026
Lawrence, KS 66044-7026
1-888-203-8100**

For express delivery services or U.S. Postal Service, Return Receipt Requested, mail this form to:

**SLD Forms
ATTN: SLD Form 470
3833 Greenway Drive
Lawrence, KS 66046
1-888-203-8100**

**FCC Form 470
November 2004**

Done

Do not write in this area:

Application ID:495787

| | | | |
|-----------------------|--------------|------------------------------------|----------------|
| Entity Number | 141339 | Applicant's Form Identifier | 2006-471-TC/IA |
| Contact Person | Chris Webber | Phone Number | 409-766-5100 |

Block 6: Certifications and Signature

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the **No Child Left Behind Act of 2001, 20 U.S.C. Secs. 7801(18) and (38)**, that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities
25. ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

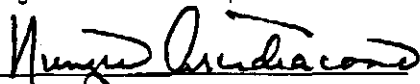
| | | |
|----|--|--------------|
| a. | Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23i on all Block 5 Discount Funding Requests.) | \$513,689.04 |
| b. | Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.) | \$417,281.47 |
| c. | Total applicant non-discount share (Subtract Item 25b from Item 25a.) | \$96,407.57 |
| d. | Total budgeted amount allocated to resources not eligible for E-rate support | \$75,000.00 |
| e. | Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.) | \$171,407.57 |
| f. | <input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e. | |

26. ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):
- a. ☒ an individual technology plan for using the services requested in this application; and/or
- b. ☐ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
27. ☒ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.

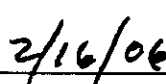


28. ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
29. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
30. ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
31. ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
32. ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
33. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
35. ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
36. ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
37. ☒ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person



39. Signature Date


40. Printed name of authorized person
Nunzio Arcidiacono41. Title or position of authorized person
Director of Purchasing42a. Street Address, P.O. Box or Route Number
3904 Ave T
City, State Zip Code
Galveston, TX 77550

42b. Telephone number of authorized person:

(409) 766-5100

42c. Fax number of authorized person:
(409) 814-8147

42d. E-mail of authorized person:
Nunzio_Arcidiacono@gisd.org

42e Name of authorized person's employer
Galveston ISD

The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.

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Please submit this form to:

**SLD-Form 471
P.O. Box 7026
Lawrence, Kansas 66044-7026**

**For express delivery services or U.S. Postal Service, Return Receipt Requested,
mail this form to:**

**SLD Forms
ATTN: SLD Form 471
3833 Greenway Drive
Lawrence, Kansas 66046**

(888) 203-8100

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